UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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AMES RAY,

Plaintiff,

-against-

DONALD WATNICK, JULIE STARK and JOHN DOES 1-5

Defendants.
--x

COMPLAINT

ECF Case
JURY TRIAL DEMANDED

Plaintiff Ames Ray, by his attorney Frank Raimond of Raimond & Wong, LLC, alleges as follows. Plaintiff's allegations are based on personal knowledge and the investigation of counsel, except where allegations are made upon information and belief, and as to those matters, it is believed they are true.

PRELIMINARY STATEMENT

1. Plaintiff in the within matter is a party to a lawsuit against Christina Ray pending in New York State Supreme Court, New York County. Defendants Donald Watnick, Julie Stark and John Does 1-5 have been attorneys who represent Christina Ray in that matter.

2. Defendants Donald Watnick, Julie Stark and John Does 1-5 made or consented to a series of deceitful and material statements during the course of that underlying litigation—including that Ames Ray admitted he physically abused Christina Ray, his former wife, and spoliated evidence related to the litigation—with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

3. This series of deceitful representations by defendants Donald Watnick, Julie Stark and John Does 1-5 violates New York Judiciary Law § 487.

4. Plaintiff was damaged as a result, and now seeks monetary damage (special, compensatory, treble and punitive) and injunctive relief against defendants Donald Watnick, Julie Stark and John Does 1-5, as well as an award of costs and attorneys fees, and such other and further relief as the Court deems just and proper.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and during the relevant period plaintiff and defendants were citizens of different states.

6. Venue is proper under 28 U.S.C. § 1391(e)(2) because the events giving rise to plaintiff's claim occurred within the boundaries of the Southern District of New York.

PARTIES

Plaintiff

7. Plaintiff Ames Ray is a citizen of the State of Texas. He is the plaintiff in an underlying lawsuit captioned *Ames Ray v. Christina Ray* pending in New York State Supreme Court, New York County, bearing Index Number 604381/1998.

Defendants

8. Donald Watnick is an attorney licensed to practice law in the State of New York, and he represents Christina Ray in the underlying lawsuit *Ames Ray v. Christina Ray*. Upon information and belief Donald Watnick is a citizen of the State of New York, and at all times herein he was an employee, agent, associate or principal of the Law Offices of Donald Watnick, with an office address at 200 West 41st Street, 17th Floor, New York, New York.

9. Julie Stark is an attorney licensed to practice law in the State of New York, and she represents Christina Ray in the underlying lawsuit *Ames Ray v. Christina Ray*. Upon information and belief Julie Stark is a citizen of the State of New York, and at all times herein she was an employee, agent, associate or principal of the Law Office of Donald Watnick, with an office address at 200 West 41st Street, 17th Floor, New York, New York.

10. John Does 1-5 are fictitious names of attorneys at the Law Offices of Donald Watnick whose identities are unknown at this time, but will be ascertainable in discovery. At all times here relevant John Does 1-5 were employees, agents, associates or principles of the Law Offices of Donald Watnick and were attorneys licensed to practice law in the State of New York.

FACTUAL ALLEGATIONS

11. Christina Ray is Ames Ray's former wife. She divorced him in 1977, though Christina Ray had business dealings with Ames Ray until 1993, including ventures in real estate and in a hedge fund.

12. Ames Ray commenced the underlying lawsuit captioned *Ames Ray v. Christina Ray* against Christina Ray in 1998. The complaint in that action seeks damages from Christina Ray for breach of a series of contracts.

13. The subject contracts were premised upon obligations assumed by Christina Ray, which were reflected in a series of promissory notes and contracts. Ames Ray alleged that Christina Ray failed to pay, and he sued to recover.

14. That action is pending in New York State Supreme Court.

15. Attorneys at Dechert LLP originally represented Christina Ray in the underlying lawsuit *Ames Ray v. Christina Ray*. Christina Ray then appeared *pro se* in the matter until on or

about March of 2012 when the Law Offices of Donald Watnick was substituted as her attorney of record.

16. During the course of their representation of Christina Ray, attorneys Donald Watnick, Julie Stark and John Does 1-5 have made or consented to a series of deceitful statements and representations to the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

17. Upon information and belief, these deceitful statements and representations were made or consented to with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

18. Attorney Donald Watnick made an extremely deceitful statement in opposition to a motion *in limine*.

19. Prior to trial, both counsel for plaintiff and Christina Ray exchanged expert reports prepared by psychiatrists that addressed Christina Ray's historical mental state. Dr. Kirstein, Ames Ray's expert witness, critiqued Christina Ray's expert report.

20. Plaintiff then made a motion seeking to preclude the admission of Christina Ray's expert's report into evidence at trial.

21. On January 25, 2013 attorney Donald Watnick filed a brief in opposition to this motion.

22. In this brief, Donald Watnick stated, "The third quarrel Dr. Kirstein has with the Report is that his review of the evidence does not reveal physical abuse. Clearly, Dr. Kirstein missed plaintiff's admission in his deposition that he physically abused Christina and that she was fearful of him."

23. Plaintiff never admitted to physically abusing Christina Ray.

24. Upon information and belief, Christina Ray has never stated that plaintiff physically abused her.

25. Upon information and belief, Donald Watnick had no evidence that plaintiff physically abused Christina Ray, or that he admitted to physically abusing Christina Ray.

26. Upon information and belief there is no evidence plaintiff physically abused Christina Ray.

27. Upon information and belief Donald Watnick made this deceitful statement, knowing it was untrue, with the intent to deceive the New York State Supreme Court in order to obtain an advantage in litigation.

28. Upon further information and belief Defendants Julie Stark and John Does 1-5 contributed or consented to the drafting of this subject deceitful statement, knowing it was untrue, with the intent to deceive the New York State Supreme Court in order to obtain an advantage in litigation.

29. Donald Watnick made an additional deceitful statement in this brief when he said "as this Court recognized, plaintiff also admits the existence of oppressive circumstances and that he knew Christina feared him."

30. The New York State Supreme Court never recognized that the Plaintiff admitted Christina Ray feared him, or that there existed oppressive circumstances.

31. Upon information and belief, Donald Watnick had no evidence that plaintiff admitted that Christina Ray was afraid of him, or that plaintiff admitted that there existed oppressive circumstances.

32. Upon information and belief Donald Watnick made this deceitful statement or representation, knowing it was untrue, with the intent to deceive the New York State Supreme Court in order to obtain an advantage in litigation.

33. Upon information and belief Defendants Julie Stark and John Does 1-5 contributed or consented to the drafting of this deceitful statement, knowing it was untrue, with the intent to deceive the New York State Supreme Court in order to obtain an advantage in litigation.

34. Defendants Donald Watnick, Julie Stark and John Does 1-5 also made or consented to deceitful statements and representations about the character of discovery produced by plaintiff with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

35. Specifically, on December 5, 2012, in support of a motion seeking spoliation sanctions, defendants falsely alleged plaintiff failed to produce discovery. One issue in the December 5, 2012 motion was the applicability of a material confession of judgment, which defendants and Christina Ray pejoratively call "the Confession." Another issue was the enforceability of a letter agreement, which defendants and Christina Ray pejoratively call "the Penalty Letter."

36. Defendants Donald Watnick, Julie Stark and John Does 1-5 stated or consented to the deceitful statement that "Ames produced only one letter that preceded the date of the Confession – the unsigned Feb. 17, 1993 letter about the Confession and that stated that it was from Christina to Alkalay. Conspicuously absent from Ames' and Alkalay's document productions are any drafts of the Confession, written communications about the Confession or

notes about its drafting or its enforcement." Defendants also deceitfully stated, "Ames produced no documents relating to [the Penalty Letter's] creation."

37. Plaintiff did produce documents relating to both the confession of judgment and Penalty Letter in controversy, including their creation.

38. Defendants Donald Watnick, Julie Stark and John Does 1-5 made or consented to further deceitful statements in the December 5, 2012 brief. Defendants Donald Watnick, Julie Stark and John Does 1-5 stated or consented to the deceitful statement that "without [the Solomon Action][1] files, Christina is unfairly denied evidence ... The prejudice here is especially severe because there are no documents that address these issues and plaintiff's attorneys had access to the Salomon Action file..."

39. Plaintiff did produce documents concerning the Solomon litigation, confession of judgment, and Penalty Letter in controversy.

40. An order granting spoliation sanctions was granted by the Supreme Court, which prompted an appeal.

41. In that appeal, defendant Donald Watnick made additional deceitful statements in his August 22, 2014 brief to the New York Appellate Division, First Department when he stated "Ames produced no documents relating to its [the Penalty Letter's] creation."

42. Plaintiff did produce documents concerning the Penalty Letter in controversy.

43. The Appellate Division, First Department granted plaintiff's appeal and reversed the grant of spoliation sanctions.

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[1] Christina Ray and Ames Ray filed the Salomon litigation captioned *Christina Ray and Ames Ray against John Salomon*. N.Y. County Index No. 03373/88. John Solomon was a building contractor.

44. Upon information and belief Donald Watnick made or consented to this series of deceitful statements, knowing they were untrue, with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

45. Upon information and belief Defendants Julie Stark and John Does 1-5 contributed or consented to the drafting of these deceitful statements, knowing they were untrue, with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

46. Another material dispute in the underlying lawsuit, *Ames Ray v. Christina Ray*, concerns credit card debt. In Donald Watnick's January 25, 2013 memorandum he deceitfully stated "although plaintiff seeks to recover monies he paid toward Christina's credit card debts, he failed to produce a shred of documentary evidence that he ever made such payments." Donald Watnick further deceitfully stated "no such files have been produced and plaintiff's failure to preserve them denies Christina evidence that would directly bear upon whether Ames paid this credit card debt."

47. Plaintiff did produce documents relating to his payment of Christina Ray's credit card debts.

48. Upon information and belief Donald Watnick made or consented to this series of deceitful statements, knowing they were untrue, with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

49. Upon information and belief Defendants Julie Stark and John Does 1-5 contributed or consented to the drafting of these deceitful statements, knowing they were untrue,

with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

50. Upon information and belief, Defendants Donald Watnick, Julie Stark and John Does 1-5 made or consented to additional deceitful statements and misrepresentations, knowing they were untrue, with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division to obtain an advantage in litigation.

51. As the result of the foregoing series of deceitful statements, plaintiff has sustained damages, including but not limited to: attorneys fees, including those incurred in defending himself from the deceitful statements and representations; injury and damage to his personal and professional reputation; and treble damages pursuant to New York Judiciary Law § 487(1).

CAUSE OF ACTION
(New York Judiciary Law § 487)

52. Plaintiff repeats and realleges all allegations made above as though fully set forth herein.

53. Attorneys Donald Watnick, Julie Stark and John Does 1-5 made or consented to a series of deceitful statements and representations in the underlying lawsuit captioned *Ames Ray v. Christina Ray* with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division to obtain an advantage in litigation.

54. Specifically, upon information and belief, attorneys Donald Watnick, Julie Stark and John Does 1-5 made or consented to the following deceitful statements and misrepresentations, *inter alia*: that plaintiff admitted he physically abused Christina Ray; that plaintiff admitted Christina Ray was fearful of him; that plaintiff admitted that there existed oppressive circumstances in his relationship with Christina Ray; that plaintiff did not submit any documents concerning Christina Ray's financials letter, the Solomon litigation, and a confession

of judgment; and that plaintiff did not provide evidence that he paid Christina Ray's credit card debt.

55. Upon information and belief, attorneys Donald Watnick, Julie Stark and John Does 1-5 made or consented to these deceitful statements and representations with the intent to deceive the New York State Supreme Court and the New York State Supreme Court, Appellate Division in order to obtain an advantage in litigation.

56. By making or consenting to these deceitful statements with the intent to mislead two courts, attorneys Donald Watnick, Julie Stark and John Does 1-5 violated Judiciary Law § 487(1).

57. By reason of the foregoing, plaintiff has sustained damages, including but not limited to: attorneys fees, including those incurred in defending himself from the deceitful statements and representations; injury and damage to his personal and professional reputation; and treble damages pursuant to New York Judiciary Law § 487(1) in an amount to be determined at trial.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully requests that the court enter a judgment against defendants together with costs and disbursements as follows:

1. In favor of plaintiff in an amount to be determined by a jury, but at least equal or exceeding the jurisdictional limit of this court;

2. enjoining Defendants from continued violations of Judiciary Law § 487;

3. for attorneys' fees and expenses pursuant to all applicable laws; and

4. for such other and further relief as the court may deem just and proper.

DATED: January 22, 2016

RESPECTFULLY SUBMITTED,

RAIMOND & WONG, LLC

By: ______________________

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Counsel for Plaintiff

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial on all causes of action so triable.

DATED: January 22, 2016

RESPECTFULLY SUBMITTED,

RAIMOND & WONG, LLC

By: ______________________

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